

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Frank Montgoris	Team: Squad #7	CCRB Case #: 201708155	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 09/21/2017 12:00 PM	Location of Incident: East 49th Street and Second Avenue	Precinct: 17	18 Mo. SOL 3/21/2019	EO SOL 3/21/2019	
Date/Time CV Reported Wed, 10/04/2017 1:58 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Wed, 10/04/2017 1:58 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Deshawn Edmonds	29310	950369	PSA 8

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SSA Lisa Joseph	00843	921227	FIS DIV

Officer(s)	Allegation	Investigator Recommendation
A.POM Deshawn Edmonds	Abuse: Police Officer Deshawn Edmonds threatened to arrest § 87(2)(b)	
B.POM Deshawn Edmonds	Abuse: Police Officer Deshawn Edmonds refused to provide his shield number to § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint with the CCRB in person on October 4, 2017.

On September 21, 2017, at approximately 12 p.m., § 87(2)(b) who utilizes a motorized wheelchair for mobility, collided with a pedestrian's vehicle at the intersection of East 49th Street and Second Avenue, in Manhattan. § 87(2)(b) blocked the vehicle from leaving the scene, and PO Deshawn Edmonds, who was from PSA 8 but was directing traffic as part of the United Nations General Assembly detail, allegedly told § 87(2)(b) "Get out of the street or I'll arrest you" (**Allegation A**). § 87(2)(b) asked for PO Edmonds's shield number, but PO Edmonds allegedly refused to provide this information to him (**Allegation B**). § 87(2)(b) followed PO Edmonds along Second Avenue, and PO Edmonds allegedly told § 87(2)(b) "If you keep harassing me, I'm going to arrest you for harassment" (**Within Allegation A**). No arrests or summonses resulted from this incident.

§ 87(2)(b) recorded a portion of this incident with his cell phone, which captures PO Edmonds's refusal to provide his shield number. The recording, which provides only audio, was edited via Snag-It and embedded below (Board Review 01).



201708155_20171120_1522_DM.mp4

Mediation, Civil, and Criminal Histories

- This case was unsuitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- On November 13, 2017, a Notice of Claim request was submitted with the New York City Comptroller's Office. That request is still pending as of the writing of this report (Board Review 03).

Civilian and Subject Officer CCRB Histories

- § 87(2)(b)
[REDACTED]
[REDACTED]
- PO Edmonds has been a member of the NYPD for six years. PO Edmonds has been the subject of 23 allegations stemming from five cases. There have been no substantiated allegations against PO Edmonds, § 87(2)(g)
[REDACTED]

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Deshawn Edmonds threatened to arrest

§ 87(2)(b)

It is undisputed that, after § 87(2)(b) collided with the pedestrian vehicle, he remained in the middle of the street for a prolonged period of time. It is also undisputed that PO Edmonds left the intersection upon the arrival of EMS, and that § 87(2)(b) followed him for at least one block, continuously asking for his shield number.

§ 87(2)(b) alleged in both his in-person statement and in follow-up phone calls that, after being struck by the vehicle, he blocked its path for approximately 30 to 60 seconds in the middle of the street, which prevented an additional vehicle behind it from making a turn. PO Edmonds then came over and told § 87(2)(b) “Get out of the street or I’ll arrest you.” Later, while § 87(2)(b) was following PO Edmonds to East 48th Street, PO Edmonds told him, “If you keep harassing me, I’m going to arrest you for harassment.” § 87(2)(b) denied making physical contact with PO Edmonds (Board Reviews 05, 06, and 12).

PO Edmonds denied threatening to arrest § 87(2)(b) for being in the middle of the street. He testified that, while being followed by § 87(2)(b) § 87(2)(b) struck him twice with his wheelchair. PO Edmonds told § 87(2)(b) to stop following him, and stated, “Sir, if you keep following me around, I’m going to arrest you” (Board Review 07).

In § 87(2)(b)’s audio recording, which is nine minutes and 11 seconds in length, PO Edmonds is heard telling § 87(2)(b) to stop following him four times. PO Edmonds is heard telling § 87(2)(b) “Sir, touch me again and you’re going to jail,” as well as, “Sir, stop blocking my way or I will arrest you” (Board Review 01).

A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he obstructs vehicular or pedestrian traffic. N.Y.S. Penal Law, Section 240.20. A person may be guilty of disorderly conduct when the situation extends beyond the original disputants to cause potential or immediate public harm. People v. Baker, 20 N.Y.3d 354 (2013). A person is guilty of harassment in the second degree when, with intent to harass, annoy, or alarm another person, he follows a person in or about a public place. N.Y.S. Penal Law, Section 240.26 (Board Reviews 08, 09, and 13).

§ 87(2)(g)

§ 87(2)(g)

Allegation B – Abuse of Authority: Police Officer Deshawn Edmonds refused to provide his shield number to § 87(2)(b)

It is undisputed that § 87(2)(b) who utilizes a motorized wheelchair and has limited use of his hands, asked PO Edmonds multiple times for his shield number.

§ 87(2)(b) alleged in his in-person statement that he initially asked PO Edmonds for his shield number and PO Edmonds replied, “I’m not giving you nothing.” § 87(2)(b) repeatedly asked PO Edmonds for his shield number while he followed him to East 48th Street.

Both § 87(2)(b) and PO Edmonds approached Sgt. Joseph, who wrote down PO Edmonds's shield number for § 87(2)(b) (Board Review 05).

PO Edmonds refuted § 87(2)(b)'s allegation, stating that after § 87(2)(b) asked for his shield number the first time, he showed § 87(2)(b) his shield number and verbally provided it. PO Edmonds did not know whether § 87(2)(b) heard him or otherwise obtained the shield number. When § 87(2)(b) began following him and asking for his shield number again, PO Edmonds informed § 87(2)(b) that he had already provided his shield number to him. PO Edmonds approached Sgt. Joseph, who was stationed at the nearby intersection, and provided § 87(2)(b) with his shield number a second time in front of her, so that she could bear witness. PO Edmonds noted that, after doing so, he left the intersection while § 87(2)(b) continued yelling at Sgt. Joseph (Board Review 07).

Sgt. Joseph testified that PO Edmonds got her attention to inform her that § 87(2)(b) would not stop following him. § 87(2)(b) explained that he was following PO Edmonds because of his refusal to provide his shield number. PO Edmonds then told Sgt. Joseph that he had already provided it to § 87(2)(b) and Sgt. Joseph instructed PO Edmonds to provide it again in front of her. PO Edmonds then showed § 87(2)(b) his shield number, and Sgt. Joseph wrote it down for § 87(2)(b) at § 87(2)(b)'s request, because of § 87(2)(b)'s physical inability to write it himself. After Sgt. Joseph provided § 87(2)(b) with PO Edmonds's written shield number, both PO Edmonds and § 87(2)(b) left the intersection in opposite directions (Board Review 10).

In § 87(2)(b)'s audio recording, he is heard asking PO Edmonds a total of 27 times for his shield number. PO Edmonds is never heard providing his shield number in response to any of § 87(2)(b)'s requests. At the one-minute and 50-second mark, PO Edmonds states, "You can see it on my chest," to which § 87(2)(b) replies, "No, I can't see it. I can't see. I can't see it." At the eight-minute mark in the audio, § 87(2)(b) is heard asking Sgt. Joseph for PO Edmonds's badge number, and Sgt. Joseph is heard stating, "Show him your badge. Show it to him for me. Do you see it? Do you see it? There it is, right there." PO Edmonds's voice is not heard on the recording verbally providing his shield number. § 87(2)(b) then asks Sgt. Joseph to write it down for him, and Sgt. Joseph agrees to do so (Board Review 01).

Police officers must clearly state, or otherwise provide, their shield number to anyone who requests them to do so. An officer must also allow the person ample time to note this information. NYPD Patrol Guide, Section 203-09 (Board Review 11).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

[Redacted text block]

Squad: 7

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date